

Message Text

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TO SECSTATE WASHDC 2240

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E.O. 11652: N/A

TAGS: CVIS, MX

SUBJ: CVIS: OPERATIONS -IV: UNAVAILABILITY OF SAN ANTONIO
POLICE CERTIFICATE.

1. WE RECENTLY HEARD FROM SEVERAL SOURCES THAT SAN ANTONIO
POLICE DEPT. NO LONGER WILL ISSUE POLICE LETTER TO INTENDING
IMMIGRANTS. THIS CONFIRMED BY IV ATTORNEY RUBEN MONTEMAYOR
WHO TOLD US HE NOW HAS TEN CASES PENDING FOR LACK POLICE
LETTER. HE REQUESTED GUIDANCE.

2. SAN ANTONIO POLICE CEPT., EXPLAINED TO US BY TELEPHONE
THAT UNDER NEW REGULATIONS POLICE CAN ONLY SHOW FILE, IF
ONE EXISTS, TO PERSON CONCERNED, BUT CANNOT GIVE THAT
PERSON ANY COPY FROM EXISTING FILE OR STATEMENT NOTING
LACK ANY POLICE RECORD. WE WERE TOLD CONTACT TEXAS
ATTORNEY GENERAL'S OFFICE FOR LEGAL BACKGROUND THIS
REGULATION.

3. OPINIONS DIVISION OF TEXAS ATTORNEY GENERAL'S
OFFICE (BILL REID AT TELEPHONE 475-2789) INFORMED US THAT
REGULATION CONCERNED IS 28 CFR SECTION 20.1 ETC., WHICH
WAS PUBLISHED BY U.S. DEPT. OF JUSTICE ON MAY 20, 1975
IN 40 FEDERAL REGISTRAR PAGE 22114 AND BECAME EFFECTIVE
ON JUNE 29, 1975. REID CONFIRMED THAT UNDER THIS REGULATION,
WHICH COMES WITHIN OPERATING PERVIEW OF LAW ENFORCEMENT
ASSISTANCE ADMINISTRATION AND PERTAINS TO OMNIBUS SAFE
STREET AND CRIME CONTROL ACT OF 1968, AS AMENDED, WILL
APPLY TO ALL POLICE DEPARTMENTS IN TEXAS. APPARENTLY SAN
ANTONIO IS ACTING SOONER THAN OTHERS. ALSO, IF THIS IS
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FEDERAL REGULATION, PRESUMABLY IT WOULD HAVE NATION-WIDE

EFFECT.

4. IN EFFORT BE HELPFUL, SAN ANTONIO POLICE DEPT., TOLD US THAT THEY BELIEVED THEY COULD FURNISH INFORMATION DIRECTLY TO US AT OUR REQUEST. PROCEDURE WOULD BE THAT WE WRITE TO POLICE DEPT., WITH NAME, DATE AND PLACE OF BIRTH, FINGERPRINTS IF AVAILABLE, AND POLICE DEPT., WOULD SEND INDIVIDUAL REPLY TO CONGEN. THIS IS ESSENTIALLY WHAT WE DO FOR CALIFORNIA POLICE CLEARANCES, WHICH ARE DONE THROUGH SACRAMENTO.

5. IF SAN ANTONIO WERE ONLY POLICE DEPT., TO TAKE THIS STANCE, WE COULD DO THIS. BUT IF REGULATION WILL TAKE EFFECT THROUGHOUT TEXAS, WE WOULD BOG DOWN IN PAPER WRITING TO INDIVIDUAL POLICE DEPTS. WITH THOUGHT THAT IT WOULD BE BETTER TO SEEK INFO CENTRALLY, WE MADE EXPLORATORY TELEPHONE CALL TO TEXAS CRIMINAL INFORMATION CENTER (TCIC) IN AUSTIN WHICH HAS CENTRAL FILES FOR ALL OF TEXAS. WHEN WE STATED THAT VOLUME SUCH REQUESTS FROM THIS POST ALONE WOULD BE APPROXIMATELY 10,000 ANNUALLY, INITIAL REACTION WAS NEGATIVE. CHIEF OF IDENTIFICATION AND CRIMINAL RECORDS DIVISION, WITH WHOM WE REALLY SHOULD TALK FOR DECISION IS AWAY THIS WEEK BUT SHOULD RETURN NEXT WEEK.

6. EVEN THOUGH TCIC CLEARANCE WOULD BE OF BETTER QUALITY, WE WOULD PREFER NOT GO THIS ROUTE UNLESS EVENTS FORCE US TO. IT WOULD CONSIDERABLY INCREASE OUR IV WORKLOAD AND COULD NOT BE DONE WITHOUT ADDITIONAL IV LOCAL POSITION. IF PROBLEM ACTUALLY IS ONLY WITH SAN ANTONIO, WE COULD OBTAIN CLEARANCES DIRECTLY WITH SAN ANTONIO POLICE DEPT., WITHOUT NEED EXTRA STAFF.

7. REQUEST DEPT. CHECK NEW REGULATION WITH DEPT. OF JUSTICE TO ASCERTAIN IF INFORMATION GIVEN US IS CORRECT, AND IF SO, HOW PROBLEM MIGHT BE RESOLVED. MATTER URGENT SINCE WE DO NOT WANT BUILD UP BACKLOG OF IV APPLICANTS LACKING POLICE LETTER WHO WILL EITHER WAIT FOR APPOINTMENT OR WHO WILL BECOME 221(G) REFUSALS. IF CONSULTATION WITH JUSTICE WILL TAKE TIME. REQUEST GUIDANCE HOW WE SHOULD PROCEED IN UNCLASSIFIED

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MEANTIME.
LAMBERT

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